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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,039	01/29/2004	Hiroyuki Hatta	1538.1045	2575
21171 7590 10/15/2009 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005				
EXAMINER				
LEE, WILSON				
ART UNIT		PAPER NUMBER		
2163				
MAIL DATE		DELIVERY MODE		
10/15/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,039

Applicant(s)

HATTA ET AL

Examiner

Wilson Lee

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR. 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued under 37 CFR 1.114, and fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 3, 2009 has been entered.

Claim Rejections – 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee et al. (US 2003/0220897).

Regarding Claim 1, Lee (2003/0220897) discloses a computer-implemented search processing method, comprising:

searching a predetermined document group (32) (figure 3) according to a first search condition (310, 311) (figure 3) specified by a user to extract data of a plurality of documents (patent list in figure 2 and 324 in figure 3) as extracted documents from a storage that stores said predetermined document group;

first transforming said extracted data of said plurality of documents (patent list in figure 2 and 324 in figure 3) into information to indicate said extracted data of said plurality of documents to said user in a first display form (showing "value" result in 328 and 33) and to enable said user to select a generated display item (select patents in year 1997, 1996, and/or 1995), which is generated from said extracted data of said plurality of documents, to be utilized as a second search condition (year range, 322) in a follow up search process and outputting the transformed information in the first display form ("value" result in 328 and 33);

receiving from said user designation of a second display form (showing "percent" result in 328 and 33) different from said first display ("value" result in 328 and 33);

extracting data of documents (patent list in figure 2 and 324 in figure 3) corresponding to said selected generated display item (patents in year 1997, 1996, and/or 1995) from said storage (12) (figure 4) or from said extracted data of said plurality of documents (patent list in figure 2 and 324 in figure 3); and

second transforming said extracted data of said documents corresponding to said selected generated display item (patents in year 1997, 1996, and/or 1995) as

extracted selected data into information to indicate said extracted selected data to said user in said second user designated display form (showing "percent" result in 328 and 33), and to enable said user to select a display item (year 1997, 1996, 1995) from said extracted selected data to be utilized as a third search condition (324) (figure 3) in a follow up search process and outputting the transformed information in the second user designated display form (showing "percent" result in 328 and 33).

Regarding Claim 2, Lee discloses that each said first and second display forms is at least one or more of:

- a first form showing indications (33) of the extracted documents that have been classified by used words (31, 30, 32 in figure 3) in said extracted documents,

- a second form showing indications (33) of said extracted documents, and segments between the indications, each said segment representing a degree of relevancy ("value" result) (figure 3) between said extracted documents, that is calculated by used words (31, 30, 32 in figure 3) in said extracted documents (patent list in figure 2 and 324 in figure 3),

- a third form showing a graph (See "value" and "percent" graph in 33 of figure 3) representing a result obtained by classifying and aggregating said extracted documents based on used words (31, 30, 32 in figure 3) in said extracted documents (See aggregation and combination in 31) (Figure 3);

- a fourth form (33) showing used words in said extracted documents and segments representing a degree of relevancy ("value" result) among said used words (31, 30),

a fifth form (33) showing first indications of document groups (1997, 1996, 1995), second indications of used words (31, 30, 32 in figure 3) in said extracted documents (USPTO, EPO, and patent type, inventor, etc) (figure 3), and segments between said first indications and said second indications, said document group being composed of said extracted documents associated by a specific matter (year range), and each of said segments representing a degree of relevancy ("value" result) between said document group and said used word (31, 30, 32 in figure 3).

Regarding Claim 3, Lee discloses that said first transforming comprises:

dividing said of extracted documents into clusters (spaces or windows of 30, 33) by using said extracted data of said of extracted documents (Figure 2);

extracting second data (such as patent information) (figure 2) to be displayed from said extracted data of said extracted documents, wherein a type (such as year) of the extracted second data is predefined for said first display form ("value" result); and

generating, for each said cluster (space or window of 33), information to display the extracted second data to be utilized as said second search condition (year range, 322) in said follow up search process.

Regarding Claim 4, Lee discloses that said first transforming comprises:

calculating a degree of relevancy ("value" result) between said extracted documents by using said extracted data of said extracted documents (figure 3);

extracting, for each extracted document, a first data item (patent document dated 1997, etc) (figure 3) to be displayed from said extracted data of said extracted

documents, wherein a type of said extracted first data item is predefined for said first display form ("value" result) (figure 3); and

generating information to display the extracted first data items to be utilized as said second search condition (year range, 322) in said follow up search process, and a segment (graph) that connects between said extracted first data items and represents the calculated degree of relevancy ("value" result) (figure 3) between said extracted documents corresponding to said extracted first data items.

Regarding Claim 5, Lee discloses that said first transforming comprises:

dividing said extracted documents into classes (classification) (paragraphs 0019, 0015) based on used words (31, 30, 32 in figure 3) included in said extracted data of said extracted documents, and counting a number of documents ("count of patents" in paragraphs 0015, 0018) in each said class based on a specific matter (year range) predefined for said first display form ("value" result) (figure 3); and

generating information to display the counting result ("count of patents" in paragraphs 0015, 0018).

Regarding Claim 6, Lee discloses that said first transforming comprises:

calculating a degree of relevancy ("value" result) (figure 3) between used words included in said extracted data of said extracted documents; and

generating information to display said used words to be utilized as said second search condition (year range, 322) in said follow up search process, and a segment (graph) that connects between said used words and represents the calculated degree of relevancy ("value" result) (figure 3) between said used words (31, 30, 32 in figure 3).

Regarding Claim 7, Lee discloses that said first transforming comprises:

relating said extracted documents into document groups based on a specific matter (year range) predefined for said first display form ("value" result) (figure 3);

calculating a degree of relevancy ("value" result) (figure 3) between said document group and a used word (31, 30, 32 in figure 3) included in said extracted data of said extracted documents; and

generating information to display said document groups by said data of said specific matter (year range), and the calculated degree of relevancy ("value" result) (figure 3) between said document group and said used word by a segment (graph) connecting between said document group and said used word (31, 30, 32 in figure 3), wherein said document group and said used word (31, 30, 32 in figure 3) are to be utilized as said second search condition (year range, 322) in said follow up search process.

Regarding Claim 8, Lee discloses that said second transforming comprises:

dividing said documents corresponding to said selected generated display item (patent documents) into clusters (spaces or windows of 30, 33) by using said data of said documents corresponding to said selected generated display item (figure 2);

extracting third data (number of patents) (figure 3) to be displayed from said data of said documents corresponding to said selected generated display item (patent documents), wherein a type of the extracted third data is predefined for said second user designated display form ("percent" result) (figure 3); and

generating, for each said cluster, information to display the extracted third data number of patents) (figure 3) to be utilized as said third search condition (324) in said follow up search process.

Regarding Claim 9, Lee discloses that said second transforming comprises:
calculating a degree of relevancy ("value" result) (figure 3) between said documents corresponding to said selected generated display item by using said data of said documents corresponding to said selected generated display item;

extracting, for each of said documents corresponding to said selected generated display item, a second data item (patents in year 1997, 1996, 1995) to be displayed from said data of said documents corresponding to said selected generated display item, wherein a type of said extracted second data item is predefined for said second display form ("percent" result) (figure 3); and

generating information to display the extracted second data items (patents in year 1997, 1996, 1995) to be utilized as said third search condition (324) in said follow up search process, and a segment (graph) that connects between said extracted second data items and represents the calculated degree of relevancy ("value" result) (figure 3) between said documents corresponding to said extracted second data item.

Regarding Claim 10, Lee discloses that said second transforming comprises:
dividing said documents corresponding to said selected generated display item into classes (classification) (paragraphs 0019, 0015) based on used words (31, 30, 32 in figure 3) included in said data of said documents corresponding to said selected generated display item, and counting a number of documents ("count of patents" in

paragraphs 0015, 0018) in each said class based on a specific matter (year range) predefined for said second display form ("percent" result) (figure 3); and
generating information to display the counting result ("count of patents" in paragraphs 0015, 0018).

Regarding Claim 11, Lee discloses that said second transforming comprises:
calculating a degree of relevancy ("value" result) (figure 3) between used words included in said extracted data of said documents corresponding to said selected generated display item (patents) ; and

generating information to display said used words to be utilized as said third search condition (324) in said follow up search process, and a segment (graph) that connects between said used words (31, 30, 32 in figure 3) and represents the calculated degree of relevancy ("value" result) (figure 3) between said used words.

Regarding Claim 12, Lee discloses that said second transforming comprises:
categorizing said documents (classification) (paragraphs 0019, 0015) corresponding to said selected generated display item into document groups based on a specific matter (year range) predefined for said second display form ("percent" result) (figure 3);

calculating a degree of relevancy ("value" result) (figure 3) between said document group and a used word (31, 30, 32 in figure 3) included in said data of said documents corresponding to said selected generated display item (patents); and
generating information to display said document groups by said data of said specific matter (year range), and the calculated degree of relevancy ("value" result)

(figure 3) between said document group and said used word (31, 30, 32 in figure 3) by a segment (graph) connecting between said document group and said used word (31, 30, 32 in figure 3), wherein said document group and said used word (31, 30, 32 in figure 3) are to be utilized as said third search condition (324) in said follow up search process.

Regarding Claim 13, Lee discloses that a document included in said predetermined document group is a patent document (figures 2, 3), and said display item is either of bibliographic information (patent type) of said patent document and a used word in said patent document (inventor, assignee) (figure 3).

Regarding Claim 14, Lee discloses that at least either of said first and second transforming ("value" or "percent" results) comprises specifying a display program corresponding to a display form, and generating information for said display program (display the graphs in 33) (figure 3).

Regarding Claim 15, Lee discloses that at least either of said first and second display forms is an arbitrary combination (any one, or combination, or all the criteria shown in figure) of predefined display forms (figure 3).

Regarding Claim 16, as discussed above in details of the preceding rejection of claim 1, Lee teaches the claimed invention similarly in a manner of computer readable medium.

Regarding Claim 17, as discussed above in details of the preceding rejection of claim 2, Lee teaches the claimed invention similarly in a manner of computer readable medium.

Regarding Claim 18, as discussed above in details of the preceding rejection of claim 1, Lee teaches the claimed invention similarly in a manner of apparatus

Regarding Claim 19, as discussed above in details of the preceding rejection of claim 2, Lee teaches the claimed invention similarly in a manner of apparatus.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Wilson Lee whose telephone number is (571) 272-1824.

Papers related to the application may be submitted by facsimile transmission. Any transmission not to be considered an official response must be clearly marked "DRAFT". The official fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).